

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID DATE, JR. and ELLIOT
HANDLER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

SONY ELECTRONICS, INC. and ABC
APPIANCE, INC. d/b/a ABC
WAREHOUSE,

Defendants.

No. 07-15474

District Judge Paul D. Borman

Magistrate Judge R. Steven Whalen

ORDER

On April 5, 2011, pursuant to Judge Borman's order of reference [Doc. #202], the Court conducted a hearing to deal with (a) Plaintiffs' claims regarding Defendants' document production requests, and (b) deposition scheduling.

In terms of document production, the Defendants state that as early as July of 2010, they produced some 600,000 pages of documents in the precise searchable electronic format requested by the Plaintiffs. In addition, the Defendants produced an index on March 22, 2011, which links specific document range numbers to specific discovery requests. While Plaintiffs' counsel indicates that he has not yet reviewed the entire index, it appears to the Court that the Defendants have complied with Fed. R. Civ. P. 34 to the extent that they have sufficiently identified which of the 600,000 documents are responsive to which request.

That being the case, the depositions of the Defendants' Rule 30(b)(6) witnesses should go forward within 30 days of the date of this Order. In the event of scheduling difficulties that make that time-frame impracticable, the parties and their attorneys will work together diligently and cooperatively to schedule the depositions as soon as possible after the 30-day period. The parties are advised that under Judge Borman's order of March 16, 2011 [Doc. #202], all lay discovery, including depositions, is to be completed by June 20, 2011. The parties should not assume that discovery will be extended beyond that date.

Given the relatively short time-frame for the completion of discovery, the parties will comply with the following protocol if there are discovery disputes:

(1) Counsel for the party seeking compliance with or objecting to a discovery request will immediately inform opposing counsel of any dispute. Counsel for the parties will then meet and confer in a good-faith attempt to resolve the dispute before seeking the Court's intervention.

(2) In the event that the parties are unable to fully resolve a discovery dispute, counsel will arrange a telephonic conference with the undersigned Magistrate Judge in order to facilitate resolution.

(3) If the dispute is still not resolved, the aggrieved party will file an appropriate discovery motion. The Court will conduct a telephonic hearing within seven days of the filing of any such motion, or as soon thereafter as is possible within the Court's schedule. The non-prevailing party in any such motion will be subject to sanctions.

SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: April 5, 2011

CERTIFICATE OF SERVICE

I hereby certify on April 5, 2011 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on April 5, 2011: **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge R. Steven Whalen
(313) 234-5217